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NAGALAND INFORMATION COMMISSION

Nagaland Commissions' Complex

Below NBCC Convention Centre,

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Nagaland, Kohima - 797004

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No. NIC/APPEAL-19/2023-24/224

Dated Kohima, the 18th January, 2024.

Appellants : (i) Shri. Toketo Swu,
Mobile No- 9862417144 and
(ii) Shri. Bokuto Swu,
Mobile No- 8132039504.

Respondents : (i) Shri. Rahul Bhanudas Mali, IAS
Deputy Commissioner & First Appellate Authority,
Office of the Deputy Commissioner,
Zunheboto, Nagaland.
(ii) Shri. Moakumzuk Tzudir,
Additional Deputy Commissioner & PIO,
Office of the Deputy Commissioner,
Zunheboto, Nagaland.

Public Authority : Office of the Deputy Commissioner, Zunheboto, Nagaland.

Date of hearing : 18.01.2024 at 11:30 AM

Date of Decision : 18.01.2024.

Present:

1. Shri. Rahul Bhanudas Mali, IAS, Deputy Commissioner & First Appellate Authority, Office of the Deputy Commissioner, Zunheboto, Nagaland.
2. Shri. Moakumzuk Tzudir, ADC & PIO, Office of the Deputy Commissioner, Zunheboto, Nagaland.
3. The applicants (now appellants), Shri. Toketo Swu, Mobile No. 9862417144 and Shri. Bokuto Swu, Mobile No. 8132039504.

FACT OF THE CASE

Two applicants, Shri. Toketo Swu and Shri. Bokuto Swu had jointly submitted a RTI application dated 01.09.2023 addressed to the PIO, Office of the Deputy Commissioner, Zunheboto, Nagaland along with RTI application fee of Rs. 10 requesting to furnish CTC of the statements of the parties in the under mentioned cases of PA to DC Court, Zunheboto:-

- 1) *Kihovi Sumi vs Thakiye Lagha* case No. 22/95 dated 09/08/95.
- 2) *Xukhe Lagha vs Thakiye Lagha* case No. 01/22 17-18 May 2022.

On receipt of the RTI application, Shri. Moakumzuk Tzudir, ADC & PIO, Office of the Deputy Commissioner, Zunheboto, Nagaland had, vide letter No.DCZ/RTI/2023/251 dated 12.09.2023 informed the applicants that the information sought could not be disclosed under section 8 (a) & (g) of the RTI, Act 2005 in view of the sensitive nature of the case.

On being denied with the information sought by the PIO, the applicants had submitted first appeal dated 05.10.2023 to the Deputy Commissioner & FAA, Office of the Deputy Commissioner, Zunheboto, Nagaland.

On receipt of the first appeal dated 05.10.2023, Shri. Rahul Bhanudas Mali, IAS, Deputy Commissioner & FAA, Office of the Deputy Commissioner, Zunheboto, Nagaland had, vide letter No.DCZ/RTI/2023/304 dated 17.11.2023 reiterated the earlier reply of the PIO that the information sought could not be disclosed under section 8 (a), (g) & (j) of the RTI, Act 2005 in view of the sensitive nature of the case.

On being denied information by the FAA and the PIO, the applicants (now appellants) had submitted a second appeal dated **20.11.2023** to the Nagaland Information Commission.

Since the applicants(now appellants) were denied information by invoking section 8 (a), (g) & (j) of the RTI, Act 2005 by the FAA and the PIO, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on **18th January, 2024 (Thursday) at 11:30 A.M in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, Nagaland, Kohima.**

The Commission, therefore, directed the following parties to attend the hearing in person or through Video Conference/ virtual hearing where the link for attending the hearing via **Google Meet** will be shared **15 (Fifteen) minutes** prior to the start of the hearing. Further, the respondents are directed **to bring/ keep the files and relevant documents** in question for ready reference on the above date and time of hearing.

1. Shri. Rahul Bhanudas Mali, IAS, Deputy Commissioner & First Appellate Authority, Office of the Deputy Commissioner, Zunheboto, Nagaland.
2. Shri. Moakumzuk Tzudir, ADC & PIO, Office of the Deputy Commissioner, Zunheboto, Nagaland.
3. The applicants (now appellants), Shri. Toketo Swu, Mobile No. 9862417144 and Shri. Bokuto Swu, Mobile No. 8132039504.

OBSERVATIONS AND FINDINGS:

The Commission heard both the parties through video conferencing.

Shri. Rahul Bhanudas Mali, IAS, Deputy Commissioner & First Appellate Authority, Office of the Deputy Commissioner, Zunheboto informed that the crux of the issue was the dispute over the appointment of Goan Bura (GB) of Thakiye village under Zunheboto district. He stated that the case was first heard in 1995, however since both the parties did not accept the verdict of the then Deputy Commissioner, Zunheboto, another case was filed before the Deputy Commissioner, Zunheboto in May, 2022. On the request for review of the judgement, the case was transferred to the court of the Political Assistant to the Deputy Commissioner, Zunheboto (hereafter PA to DC) and the case was heard. However, since the statements before the court may contain inflammatory language and testimonies of witnesses, there was an apprehension that such disclosure may damage the social fabric and the peaceful co-existence in the village. Further, he was of the view that producing such copies in the interest of one party would be an act of prejudice to the other party and hence the documents may be obtained only after the completion of the case by the court.

The applicant, Shri. Toketo Swu while giving a brief history of the issue, stated that since the DC could not settle the issue, he wanted to approach the higher court of law for which written documents were sought through RTI, however information was denied.

After hearing the statements of both the parties, the Commission observed that the PA to DC, Zunheboto had heard the case and since both the parties were present and made their statements during the hearings on 17.05.2022 and 09.08.1995, there is no confidentiality or secrecy and hence do not fall under the exemptions. Further, several years have elapsed since the orders were passed and there was no report of any incident or law and order problems till date, hence the denial of information by both the PIO and the FAA with their apprehensions is not tenable.

Since the applicants (now appellants) had wanted to approach the higher court for which written documents were sought through RTI, it is the considered view of the Commission that the information as sought by the applicants be furnished for the ends of justice. However, the Commission also made its stand clear that it does not aim to interrupt or interfere in the affairs of the village, but help in resolving the pending issues.

The Commission observed that the RTI application dated 01.09.2023 was received on the same date i.e. 01.09.2023 and the PIO gave the reply on 12.09.2023, hence there was no delay in giving the reply.

ORDER

On the above observations and findings, the Commission ordered that:-

1. Shri. Moakumzuk Tzudir, ADC & PIO, Office of the Deputy Commissioner, Zunheboto, Nagaland shall furnish the information to the applicants(now appellants) and with a copy to the Commission within seven (7) days from the date of receipt of this order.
2. On receipt of the information, the applicants(now appellants) shall submit satisfaction to the PIO and with a copy to the Commission within seven (7) days from the date of receipt of information. Further, the applicants(now appellants) are also cautioned that with the receipt of the information, due care and precaution should be taken so that no public unrest or incident should occur, but used it for the ends of justice.

This Order is passed in the virtual presence of both the parties on 18.01.2024 at 11:30 A.M.

Copies be given to:

1. Shri. Rahul Bhanudas Mali, IAS, Deputy Commissioner & First Appellate Authority, Office of the Deputy Commissioner, Zunheboto, Nagaland.
2. Shri. Moakumzuk Tzudir, ADC & PIO, Office of the Deputy Commissioner, Zunheboto, Nagaland, Mobile No. 9612960148, 9436830534.
3. The Computer Programmer, Nagaland Information Commission for uploading on the website.
4. The applicants (now appellants), Shri. Toketo Swu, Mobile No. 9862417144 and Shri. Bokuto Swu, Mobile No. 8132039504.
5. Office Copy.

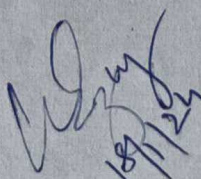
Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Sd/-

NOSAZOL CHARLES
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary